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PATENT, TRADEMARK AND COPYRIGHT LAW
AND RELATED FEDERAL AND ITC LITIGATION

Docket No.: 4544-011-25 DIV

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: U.S. Application Serial No. 08/420,503

Applicant(s): MICHAEL D. QUINN ET AL.
Filing Date: April 12, 1995
For: THERMODILUTION CATHETER HAVING A SAFE,
FLEXIBLE HEATING ELEMENT
Group No. 3311
Examiner: NASSER

SIR:

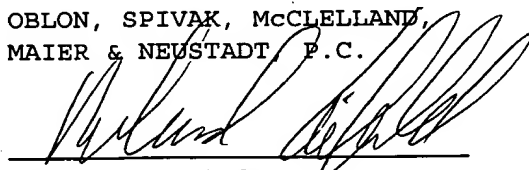
Attached hereto for filing are the following papers:

AMENDMENT (WITH 3 ATTACHMENTS)
CONSOLIDATED PTO-1449 (ATTACHMENT 1)
COPY OF U.S. PATENT NO. 5,464,398 (ATTACHMENT 2)
COPY OF U.S. PATENT NO. 5,450,466 (ATTACHMENT 3)
PETITION FOR ONE MONTH EXTENSION OF TIME
PROPOSED PTO-850
UPDATED 37 CFR 1.607 REQUEST FOR AN
INTERFERENCE WITH TWO PATENTS
REQUEST FOR EXPEDITED PROSECUTION

Our check in the amount of \$110.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.


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ATTACHMENT 1

SHEET 1 OF 6

Form PTO
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 4544-011-25 DIV

SERIAL NO. 08/420,503

LIST OF REFERENCES CITED BY APPLICANT
(Use Several Sheets if Necessary)APPLICANT
MICHAEL D. QUINN ET AL.FILING DATE
APRIL 12, 1995GROUP
3311

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
By	AB	3,075,515	01/29/63	RICHARDS	128	692	
	AA	3,359,974	12/26/67	KHALIL	128	2.05	10/07/63
	AE	3,595,079	07/27/71	GRAHN, A.R.			
	AD	3,634,924	01/18/72	BLAKE ET AL.	29	447	04/20/70
	AG	3,720,199	03/13/73	RISHTON ET AL.	128	1 D	05/14/71
	AJ	3,746,003	07/17/73	BLAKE ET AL.	128	349B	09/23/71
	AF	3,790,910	02/05/74	MCCORMACK	235	151.3	04/21/72
	AI	3,798,967	03/26/74	GEILES ET AL.	73	204	04/13/72
	AK	3,995,623	12/07/76	BLAKE ET AL.	128	2.06E	02/11/76
	AC	4,073,287	02/14/78	BRADLEY ET AL.	128	692	
By	AH	4,089,336	05/16/78	CAGE ET AL.	128	303.1	12/20/74

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO
By	AL	WO91/03208	03/21/91	PCT	
	AM	0 221 357	05/13/87	EUROPE	
	AN	0 235 811	09/09/87	EUROPE	
	AO	0 303 757	02/22/89	EUROPE	
	AP	0 378 234	07/18/90	EUROPE	

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

By	AR	A CONTINUOUS CARDIAC OUTPUT COMPUTER BASED ON THERMODILUTION PRINCIPLES, R.A. NORMANN ET AL, ANNALS OF BIOMEDICAL ENG. VOL. 17, P. 61-73, 1989.
	AS	INVESTIGATION OF A CONTINUOUS HEATING/COOLING TECHNIQUE FOR CARDIAC OUTPUT MEASUREMENT, KEVIN C. EHLERS ET AL., ANNALS OF BIOMEDICAL ENG., VOL. 15, P. 551-565, 1987.
By	AT	DETERMINATION OF CARDIAC OUTPUT IN MAN BY A NEW METHOD BASED ON THERMODILUTION, H.H. KHALIL ET AL., PRELIMINARY COMMUNICATIONS, 06/22/63, P. 1352-4.

EXAMINER

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DATE CONSIDERED

11/2/95

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 4544-011-25 DIV

SERIAL NO. 08/420,503

LIST OF REFERENCES CITED BY APPLICANT
(Use Several Sheets if Necessary)APPLICANT
MICHAEL D. QUINN ET AL.FILING DATE
APRIL 12, 1995GROUP
3311

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
<i>RS</i>	AA	4,091,813	05/30/78	SHAW ET AL.	128	303.1	03/14/75
	AK	4,185,632	01/29/80	SHAW	128	303.1	03/14/75
	AD	4,198,957	04/22/80	CAGE ET AL.	128	1R	03/22/77
	AI	4,199,816	04/22/80	HUMPHREY	364	571	06/28/78
	AC	4,206,759	06/10/80	SHAW	128	303.1	03/14/75
	AE	4,207,896	06/17/80	SHAW	128	303.1	03/14/75
	AH	4,209,017	06/24/80	SHAW	128	303.1	03/14/75
	AJ	4,217,910	08/90	KHALIL	128	670	
	AF	4,236,527	12/02/80	NEWBOWER	138	692	10/20/78
	AG	4,240,441	12/23/80	KHALIL	128	692	
<i>RS</i>	AB	4,303,984	12/01/81	HOUVIG	364	571	12/14/79

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
<i>RS</i>	AL	0 417 781	3020/91	EUROPE	X	
	AM					
	AN					
	AO					
	AP					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>RS</i>	AR	SERVICE MANUAL FOR MODEL COM-L THERMODILUTION CARDIAC OUTPUT COMPUTER, AMERICAN EDWARDS LABORATORIES, JUNE 1984, P. 6 TABLE 2.1.
<i>1</i>	AS	REPEATED OR CONTINUAL MEASUREMENTS OF CARDIAC OUTPUT IN THE SQUIRREL MONKEY (SAIMIRI SCIUREUS) BY THERMODILUTION, H.H. KAHILIL, BUREAU OF MED. AND SURGERY, MR011.01.4, NAVAL AEROSPACE MED. INST., 03/08/68.
<i>RS</i>	AT	

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DATE CONSIDERED

6/27/95

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
RM	AD	4,364,390	12/21/82	SHAW	128	303.1	09/05/79
	AA	4,407,298	10/04/83	LENTZ ET AL.	128	713	07/16/81
	AH	4,499,907	11/29/83	HATA	364	571	06/23/81
	AJ	4,446,715	05/08/84	BAILEY	73	1R	06/07/82
	AK	4,481,804	11/13/84	EBERHARD ET AL.	73	1G	08/30/82
	AB	4,499,547	02/12/85	INUIYA ET AL.	364	571	08/13/81
	AG	4,499,907	02/19/85	KALLOK ET AL.	128	419D	
	AF	4,526,175	07/02/85	CHIN ET AL.	128	344	02/22/83
	AC	4,481,804	09/09/86	BUTENKO ET AL.	364	571	07/27/83
	AE	4,621,643	11/11/86	NEW, JR. ET AL.	128	633	02/05/86
RM	AI	4,632,125	12/30/86	WEBLER, ET AL.	128	692	01/13/84

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO
	AL				
	AH				
	AN				
	AP				
	AP				

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

RM	AR	CRC HANDBOOK OF CHEMISTRY AND PHYSICS, 60 TH ED., 1979-1980, P. 3-85 COLE-PARMER INSTRUMENT CO., NILES, IL. (CATALOG PAGES 1259-61).
1	AS	CARDIAC OUTPUT ESTIMATION BY A THERMODILUTION METHOD INVOLVING INTRAVASCULAR HEATING & THERMISTOR RECORDING, T. Barankay et al., Acta Physiologica Academiae Scientiarum Hungaricae, Tomus 38(2-3), p.167-173, 1970.
RM	AT	BAXTER HEALTHCARE CORP., (CATALOG PAGES 1, 2, 5, AND 6) JUNE 1992.

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DATE CONSIDERED

11/24/97

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PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 4544-011-25 DIV

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(Use Several Sheets if Necessary)APPLICANT
MICHAEL D. QUINN ET AL.FILING DATE
APRIL 12, 1995GROUP
3311

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
Re	AB	4,669,066	05/26/87	KAGAWA ET AL.			12/21/85
	AC	4,684,245	08/04/87	GOLDRING	356	41	10/28/85
	AG	4,685,470	08/11/87	SEKII ET AL.	128	692	11/18/85
	AJ	4,696,304	09/29/87	CHIN	128	673	04/23/86
	AA	4,708,777	11/24/87	KURAOKA ET AL.	204	1T	02/05/85
	AK	4,718,423	01/12/88	WILLIS ET AL.	128	713	
	AI	4,770,179	09/13/88	NEW, JR. ET AL.	128	633	10/19/87
	AE	4,776,340	10/88	MORON ET AL.	128	634	
	AH	4,785,823	11/22/88	EGGERS ET AL.	128	692	07/21/87
	AD	4,796,640	01/10/89	WEBLER, W.E.			
Re	AF	4,814,586	03/89	GRISE	219	549	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO
	AL				
	AM				
	AN				
	AO				
	AP				

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

Re	AR	MEASUREMENT OF CARDIAC OUTPUT BY THERMAL-DILUTION AND DIRECT FICK METHODS IN DOGS, H.H. Khalil et al., Journal of Appl. Physiol., Vol. 21(3), p. 1131-5, 1966.
	AS	"CONTINUOUS THERMAL MEASUREMENT OF CARDIAC OUTPUT," Philip, Long, Quinn, Newbower, <u>IEEE Transactions</u> <u>on Biomedical Engineering</u> , Vol. SME-31, No. 5, May 1984, pp. 393-400.
Re	AT	

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DATE CONSIDERED

11/24/87

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Form PTO 1449
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MICHAEL D. QUINN ET AL.FILING DATE
APRIL 12, 1995GROUP
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
<i>ny</i>	AD	4,819,655	04/11/89	WEBLER	128	713	08/04/87
	AE	4,841,981	06/27/89	TANABE ET AL.	128	713	
	AA	4,856,530	08/15/89	VANDERVELDEN	128	692	
	AB	4,858,615	08/22/89	MEINEMA	128	668	07/29/88
	AE	4,868,476	09/19/89	RESPAUT	318	632	10/30/87
	AF	4,869,263	09/26/89	SEGAL ET AL.	128	692	02/04/88
	AG	4,901,734	02/20/90	GRIFFIN ET AL.	128	692	06/30/88
	AH	4,941,475	07/90	WILLIAMS ET AL.	128	692	
	AI	4,942,877	07/24/90	SAKAI ET AL.	128	633	09/04/87
	AL	4,954,318	09/04/90	YAFUSO ET AL.	422	59	08/31/87
<i>ny</i>	AK	5,007,423	04/16/91	BRANSTETTER ET AL.	128	633	10/04/89

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
	AL					
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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Form PTO 1449
(Modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 4544-011-25 DIV

SERIAL NO. 08/420,503

LIST OF REFERENCES CITED BY APPLICANT
(Use Several Sheets if Necessary)

APPLICANT
MICHAEL D. QUINN ET AL.

FILING DATE
APRIL 12, 1995

GROUP
3311

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
M	AI	5,009,234	04/91	ALT	128	692	12/88
	AH	5,046,505	09/10/91	SEKII ET AL.			09/05/89
	AA	5,047,025	09/10/91	TAYLOR ET AL.	606	31	01/12/90
	AB	5,056,526	10/15/91	KHALIL	128	713	10/89
	AC	5,080,106	01/14/92	SEKII ET AL.	128	692	01/09/90
	AG	5,121,749	06/16/92	NASSI ET AL.	128	692	09/12/90
	AF	5,135,535	08/04/92	KRAMER	606	194	06/11/91
	AK	5,158,082	10/92	JONES	128	633	08/90
	AD	5,214,267	05/93	HOSHI ET AL.	219	497	12/90
AL	AJ	5,435,308	07/95	GALLUP ET AL.	128	713	07/92

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO
	AL				X
	AM				X
	AN				X
	AO				X
	AP				X

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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DATE CONSIDERED

11/2/90

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US92/01012

A. CLASSIFICATION OF SUBJECT MATTER

IPC(5) : A61B 5/02

US CL : 128/629

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 128/691,693,700,713,736

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US, A, 3,075,515 (RICHARDS) 29 January 1963, See col. 3, lines 1-15.	2-7,26-31, 37,39
Y	US, A, 4,499,907 (KALLOK ET AL.) 19 February 1985, See element 280.	21-24,33-35, 41,42,44
Y	US, A, 4,073,287 (BRADLEY ET AL.) 14 February 1978, See figure 6.	10
Y	US, A, 4,856,530 (VANDERVELDEN) 15 August 1989, See entire document.	21-24,33-35, 41,42,44
X Y	US, A, 4,240,441 (KHALIL) 23 December 1980, See entire document.	1,8,9,13, 16,17,21, <u>32,38,43</u> 2-7,10-12, 14,15,21-24 26-31,32-35, 38-39,43,44
Y	US, A, 5,056,526 (KHALIL) 15 October 1991, See element 12.	14,15

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	* T	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
* A* document defining the general state of the art which is not considered to be part of particular relevance	* X*	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
* E* earlier document published on or after the international filing date	* Y*	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
* L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	* &*	document member of the same patent family
* O* document referring to an oral disclosure, use, exhibition or other means		
* P* document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

27 AUGUST 1992

Date of mailing of the international search report

10 NOV 1992

Name and mailing address of the ISA/
Commissione
Box PCT
Washington:

Authorized officer

ASSER

INTERNATIONAL SEARCH REPORT

national application No.
PCT/US92/01012

C. (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US, A, 4,841,981 (TANABE ET AL.) 27 June 1989, See entire document.	2-7,26-31. 37,39
X	US, A, 4,901,734 (GRIFFIN ET AL.) 20 February 1990, See entire document.	1,18,19,20, <u>25,36,40</u>
Y		37,41,42
A	US, A, 3,798,967 (GIELES ET AL.) 26 March 1974, See entire document.	1,18-20,25, 36,37,40-42
A	US, A, 4,632,125 (WEBLER ET AL.) 30 December 1986, See entire document.	1,18-20,25, 36,37,40-42

III. DOCUMENTS CONSIDERED TO BE RELEVANT (CONTINUED FROM THE SECOND SHEET)		
Category *	Citation of Document, with indication, where appropriate, of the relevant passages	Relevant to Claim No.
X	US,A,3 595 079 (A.R. GRAHN) 27 July 1971	1-4,
X	see column 3, line 63 - column 5, line 21	10-13
X	see figure 2	19,23-25
	---	30,31
X	US,A,4 718 423 (A.F. WILLIS ET AL.) 12 January 1988	1-4,10,
X	see column 4, line 9 - line 36	11,13
X	see column 6, line 8 - line 65	22-25
	---	27-31

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND: ...ID CARBON

FORM PTO-892 (REV. 3-78)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 647578	GROUP/UNIT 3305	ATTACHMENT TO PAPER NUMBER
NOTICE OF REFERENCES CITED				APPLICANT(S) Quinn et al		

U.S. PATENT DOCUMENTS																	
•	A	B	C	D	E	F	G	H	I	J	K	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
												A 4841981	6/1989	Tanabe et al	128	713	
												B 5009234	4/1991	Alt	128	692	12/1988
												C 4856530	8/1989	Vander Velden	128	692	
												D 5056526	10/1991	Khalil	128	713	10/1989
												E 4240441	12/1980	Khalil	128	692	
												F 3075515	1/1963	Richards	128	692	
												G 4073287	2/1978	Bradley et al.	128	642	
												H 4499907	2/1985	Kallok et al	128	4190	

FOREIGN PATENT DOCUMENTS													
•	L	M	N	O	P	Q	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHYS. DWG. PP. SPEC.

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)	
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* A copy of this reference is not being furnished with this office action.
(See Manual of Patent Examining Procedure, section 707.05 (a))

TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON

FORM PTO-892 (REV. 2-82)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 08/049231		GROUP/UNIT 3305		ATTACHMENT TO PAPER NUMBER						
NOTICE OF REFERENCES CITED				APPLICANT(S) Quinn et al										
U.S. PATENT DOCUMENTS														
		DOCUMENT NO.						DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE		
	A	5	2	1	4	2	6	7	5/1993	Hoshi et al	219	497	12/1990	
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	M													
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	O													
	P													
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OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)														
	R													
	S													
	T													
	U													
EXAMINER		DATE												
<p>* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707 05 (a).)</p>														